

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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PN

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/892,403	07/15/97	MURPHY	B 17634 000510

HM22/0326

TOWNSEND AND TOWNSEND AND CREW  
TWO EMBARCADERO CENTER  
8TH FLOOR  
SAN FRANCISCO CA 94111EXAMINER  
BRUMBACK, B

ART UNIT	PAPER NUMBER
1643	16

DATE MAILED: 03/26/99

**Please find below and/or attached an Office communication concerning this application or proceeding.****Commissioner of Patents and Trademarks**

<b>Interview Summary</b>	Application No. <b>08/892,403</b>	Applicant(s) <b>Murphy et al.</b>
	Examiner <b>Brenda Brumback</b>	Group Art Unit <b>1643</b>

All participants (applicant, applicant's representative, PTO personnel):

(1) Brenda Brumback

(3) \_\_\_\_\_

(2) Jeff King

(4) \_\_\_\_\_

Date of Interview Mar 23, 1999

Type:  Telephonic  Personal (copy is given to  applicant  applicant's representative).

Exhibit shown or demonstration conducted:  Yes  No. If yes, brief description:

Agreement  was reached.  was not reached.

Claim(s) discussed: 1, 47, 49, 63, and 64

Identification of prior art discussed:

None

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The supplemental restriction requirement and indication of allowable subject matter in Paper # 13 were again discussed. Applicant's representative indicated that the addition of temperature sensitive language to species iii) of the added Markush group was not acceptable to the client, as this is not representative of the invention, which is drawn to recombinant RSV with one or more temperature sensitive mutations in conjunction with other types of mutations. Applicant's representative argued that the additional limitations had been added to further clarify the invention; however, the examiner did not agree to remove the restriction requirement made in the Final Rejection mailed 02/01/99 because amended claim 1 now recites different limitations than originally examined claim 1 and because consideration of additional limitations after final rejection would raise new issues requiring further consideration. The examiner suggested that applicant consider refiling with claims that are now deemed to better define the invention.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1.  It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2.  Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.